

No objections have been filed in response to the Magistrate Judge's Report and Recommendation. Therefore, in accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the Court has reviewed the Magistrate Judge's Recommendation for clear error and finds none. Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. For the reasons stated in Magistrate Judge's Report and Recommendation:

(a) Plaintiff's First Amendment Free Exercise claim is **DISMISSED** against Defendant Jackson, and

(b) Plaintiff's First Amendment Free Exercise claim is allowed to proceed against Defendant Conners.

Plaintiff's Petition to Show Cause to Have the U.S. Marshal To Serve Summons Upon Defendant Jerry Conners [Doc. 9] is **GRANTED**.

The Clerk is **DIRECTED** to send Plaintiff 1 copy of each of the following forms for Defendant Conners: USM 285 form, summons, and one initial disclosures form. Plaintiff is **DIRECTED** to complete the USM 285 form, summons, and the initial disclosures form, and to return said forms **within twenty (20) days from the entry date of this Order**. Plaintiff is warned that failure to comply in a timely manner could result in the dismissal of this civil action. The Clerk is **DIRECTED** to resubmit this action to the undersigned if Plaintiff fails to comply. Upon receipt of the forms by the Clerk, the Clerk is **DIRECTED** to prepare a service waiver package for Defendant Conners. The service waiver package must include: two (2) Notices of Lawsuit and Request for Waiver of Service of Summons (prepared by the Clerk), two (2) Waiver of Service of Summons forms (prepared by the Clerk), an envelope addressed to the Clerk of Court with adequate first class postage for use by Defendant for return of the waiver form, one (1) copy of the complaint, one (1) copy of the initial disclosures


form, and one (1) copy of this Order. The Clerk shall retain the USM 285 form and the summons.

Upon completion of the service waiver packages, the Clerk is **DIRECTED** to complete the lower portion of the Notice of Lawsuit and Request for Waiver form and to mail the service waiver packages to Defendant. Defendant has a duty to avoid unnecessary costs of serving the summons. If a Defendant fails to comply with the request for waiver of service, that Defendant must bear the costs of personal service unless good cause can be shown for failure to return the Waiver of Service form. In the event Defendant does not return the Waiver of Service form to the Clerk of Court **within thirty-five (35) days** following the date the service waiver package was mailed, the Clerk is **DIRECTED** to prepare and transmit to the U.S. Marshals Service a service package for Defendant if he failed to return the waiver form. The service package must include the USM 285 form, the summons, one (1) copy of the complaint, one (1) copy of the initial disclosure form, and one (1) copy of this Order. Upon receipt of the service packages, the U.S. Marshals Service is **DIRECTED** to personally serve the Defendant who failed to waive service. The executed waiver form or the completed USM 285 form shall be filed with the Clerk.

Plaintiff is **DIRECTED** to serve upon Defendant or Defendant's counsel a copy of every additional pleading or other document which is filed with the Clerk of the Court. Each pleading or other document filed with the Clerk shall include a

certificate stating the date on which an accurate copy of that paper was mailed to Defendant or Defendant's counsel. Plaintiff is also **REQUIRED TO KEEP** the Court and Defendant advised of his current address at all times during the pendency of this action. Plaintiff is admonished that the failure to do so may result in the dismissal of this action.

IT IS SO ORDERED this 10th day of July, 2018.



Amy Totenberg
United States District Judge